

FILED

April 25, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: NM
DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

THEODORE JOSEPH VIGIL,

Plaintiff,

v.

**JUDGE MARIO TREVINO, HILL
COUNTRY POLICE DEPARTMENT,
TEXAS ATTORNEY GENERAL KEN
PAXTON, MARC SCHNALL,**

Defendants.

NO. SA-24-CV-01194-OLG

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has considered United States Magistrate Judge Henry J. Bemporad's Report and Recommendation (R&R), filed February 24, 2025, concerning Plaintiff's complaint. (*See* R&R, Dkt. No. 6.)

A party who wishes to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within fourteen days. FED. R. CIV. P. 72(b)(2). A copy of the R&R was mailed via certified mail on February 24, 2025 (*see* Dkt. No. 7) and received on March 5, 2025 (*see* Dkt. No. 12). Plaintiff timely filed objections on March 10, 2025 (*see* Dkt. No. 9).

When a party objects to an R&R, the Court must make a de novo determination as to “any part of the magistrate judge’s disposition that has been properly objected to.” FED. R. CIV. P. 72(b)(3); see *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989). Objections must be specific; frivolous, conclusory, or general objections need not be considered by the district court. *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982), *overruled on other grounds by Douglass v. U.S. Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)). Any portions of the

Magistrate Judge's findings or recommendations that were not objected to are reviewed for clear error. *Wilson*, 864 F.2d at 1221.

The Court has reviewed this matter de novo and finds that the R&R is correct and should be accepted. Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R (Dkt. No. 6) and, for the reasons set forth therein, Plaintiff's complaint is **DISMISSED WITH PREJUDICE** until the *Heck* conditions barring his claims have been met.

This case is **CLOSED**.

It is so **ORDERED**.

SIGNED this 25 day of April, 2025.

A handwritten signature in blue ink, appearing to read 'Orlando L. Garcia', written over a horizontal line.

ORLANDO L. GARCIA
United States District Judge